

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE EICHLER,

Plaintiff, No. 2:04-cv-1108 GEB JFM (PC)

vs.

CDC OFFICER SHERBURN, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 9, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.¹

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¹ On August 17, 2011, plaintiff filed a motion for an extension of time to file objections. Plaintiff timely filed his objections on August 23, 2011. Accordingly, his motion for extension of time is moot and will therefore be denied.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's August 17, 2011 motion for extension of time is denied;
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8 2. The findings and recommendations filed August 8, 2011, are adopted in full;

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10 3. The January 14, 2011 motion of defendants Sherburn and Lebeck for summary
judgment is granted.

11 Dated: September 27, 2011

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14 GARLAND E. BURRELL, JR.
United States District Judge